

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

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|----------------------------------|---|----------------------------|
| _____ |) | |
| NEW ENGLAND FISHERMEN’S |) | |
| STEWARDSHIP ASSOCIATION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 2:23-cv-00339-JAW |
| |) | |
| GINA RAIMONDO, U.S. Secretary of |) | |
| Commerce, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

NOTICE OF RECENT DEVELOPMENT

Defendants hereby notify the Court and Plaintiff of a recent development related to Plaintiff's challenge to Framework Adjustment 65 (Framework 65) of the Northeast Multispecies Fishery Plan (FMP) in the above-captioned case. Plaintiff's case challenges the Final Rule implementing Framework 65. ECF No. 13; 88 Fed. Reg. 56,527 (Aug. 18, 2023). On May 2, 2024, the National Marine Fisheries Service (NMFS) published a Final Rule to implement Framework Adjustment 66 (Framework 66) to the FMP. 89 Fed. Reg. 35,755 (May 2, 2024). Framework 66 sets new catch limits for fishing year 2024 for some of the stocks covered by the FMP while other stock limits remain the same, and it makes several additional management modifications. *Id.*

Defendants maintain that no remedy is warranted in this case challenging Framework 65; however, if the Court finds any flaw with Framework 65, Defendants renew their request for an opportunity to submit supplemental briefing on remedy. ECF No. 41 at 40. Determining the proper remedy would involve addressing severability. *Id.* It also may require consideration of the relationship between Framework 65 and Framework 66 and the management measures each implements.

Dated: June 17, 2024

Respectfully submitted,

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/s/ Frederick H. Turner
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CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2024, I electronically filed the foregoing using the CM/ECF system.

/s/ Frederick H. Turner
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